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AUT/008 Cont.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Lax et al.
Application No. : 10/796,332 Confirmation No. : 2003
Filed : March 8, 2004
For : CASE WITH INTERNAL LOCK
Examiner : Lloyd A. Gall
Group Art Unit : 3676

New York, New York 10036
May 18, 2007

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97,
applicants wish to call the attention of the Examiner to
the following document:

"Introducing the Red TagTM Security System,"
Amaray Media Packaging, Corby, Northants,
England, pp. 1-14.

The aforementioned document is listed on the accompanying
Form PTO/SB/08A. A copy of the document is enclosed
herewith (Ex. 1).

It is respectfully requested that the
aforementioned document be fully considered by the Patent
and Trademark Office during examination of this application

but not printed on any patent which may issue on this application. Applicants request that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

In applicants' Sixth [Supplemental] Information Disclosure Statement, filed on October 27, 2005, applicants informed the U.S. Patent and Trademark Office that applicants' Australian Innovation Patent No. 2005100430 (Ex. 2 (copies of cover page and claims only)), which issued from an Australian counterpart of the instant application, was the subject of litigation in the Federal Court of Australia, New South Wales District (Docket No. 1082 of 2005). In the litigation, applicants alleged that the AGI Amaray (Northants, England) "Red Tag" container, which is distributed in Australia by defendant DRM Trading Pty Ltd (New South Wales, Australia), infringes the Innovation Patent. The litigation was dismissed with the consent of the parties on December 22, 2006.

Applicants wish to make the Patent and Trademark Office aware of the aforementioned document, which applicants believe illustrates features of the Red Tag container.

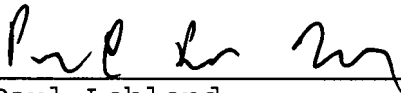
37 C.F.R. § 1.98(a)(2)(ii) requires that this information disclosure statement include a legible copy of the document. The attached copy (Ex. 1) is the best copy in applicants' possession or control. Applicants therefore include a copy (Ex. 3) of DuBois Limited's International Publication No. WO 02/39451 A2, that, applicants believe, shows features of the Red Tag container, including at least some that are also shown in the brochure. (DuBois Limited is an affiliate of AGI Amaray.)

Applicants respectfully assert that the International Publication does not qualify as prior art under Title 35, United States Code, at least because (1) the international filing date (November 12, 2001) of the underlying international application is later than the actual filing date of this application; and (2) the international application priority date is based on a foreign priority document. See MPEP 706.02(f)(1) Chart II.

37 C.F.R. § 1.98(b)(5) requires that the document be identified by publisher, title, relevant pages and date and place of publication. Applicants have set forth above the information shown on the document regarding publisher, title, page numbers and place of publication. The date of publication is not shown on the document and is unknown to applicants. Nevertheless, applicants believe that the document was published no later than November, 2000. Applicants are unaware of any evidence purporting to show that the brochure was published prior to applicants' July 31, 2000 priority date. Applicants respectfully request that the Examiner acknowledge that the documents enclosed with this Statement have been considered in his next communication.

In accordance with *Dayco Products Inc. v. Total Containment Inc.*, Fed. Cir., No. 02-1497 (2003), the Examiner is hereby advised that claims having some similarity with the claims pending in the above-identified patent application were rejected by Examiner John G. Pickett in co-pending Lax et al., U.S. Patent Application No. 11/214,656, ("the '656 application") filed August 29, 2005. A copy of the rejection mailed in the '656 application is enclosed for the Examiner's convenience.

In accordance with 37 C.F.R. § 1.97(b)(4), submission of this Information Disclosure Statement requires no fee. However, if for any reason a fee is due, the Director is hereby authorized to charge payment of any fees required in connection with this Information Disclosure Statement to Deposit Account No. 06-1075, Order No. 000878-0008. A duplicate copy of the statement is being transmitted herewith.



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Attachments:
Exhibits 1-4



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PTO/SB/08a/b (08-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/796,332
				Filing Date	March 8, 2004
				First Named Inventor	Michael Lax et al.
				Art Unit	3676
Examiner Name	Lloyd A. Gall				
Sheet	1	of	1	Attorney Docket Number	AUT/008 Cont

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Introducing the Red Tag TM Security System," Amaray Media Packaging, Corby, Northants, England, pp. 1-14.	

All References provided with the Eighth Supplemental IDS have been considered.

Examiner Signature

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.